

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal No. 05-CR-10175-WGY-1
)	
v.)	
)	
NADINE J. GRIFFIN,)	
)	
Defendant.)	

UNITED STATES' MOTION TO DISMISS COUNT 1

The United States of America, by and through undersigned counsel, hereby submits its Motion to Dismiss Count 1. On July 25, 2006, after more than eight days of trial and two and a half days of deliberations, the Court ordered a mistrial on Count 1 of the indictment after the jury was unable to reach a unanimous verdict on Count 1. The jury returned a unanimous verdict on Count 2 by finding defendant guilty.

The United States believes it has sufficient evidence to prove Count 1 at a trial; however, the United States notifies the Court and defense counsel that it is exercising its prosecutorial discretion and has decided not to retry defendant Griffin on Count 1. The United States hereby moves to dismiss Count 1 of the indictment filed on July 13, 2005.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Christopher J. Maietta
CHRISTOPHER J. MAIETTA
Trial Attorney
U.S. Department of Justice

/s/ John N. Kane
JOHN N. KANE
Trial Attorney
U.S. Department of Justice

Dated: September 1, 2006

CERTIFICATE OF SERVICE

This is to certify that I have this day, September _____, 2006, served upon the person listed below a copy of the foregoing document by mail:

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Christopher J. Maietta